

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FEB 25 2009

JOHN F. CORCORAN, CLERK
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MELVIN RAYNARD JONES,)	
)	
Appellant,)	Civil Action No. 7:08CV00644
v.)	
)	<u>MEMORANDUM OPINION</u>
TERESA MICHELLE DYE,)	
)	
Appellee.)	By: Samuel G. Wilson United States District Judge

This is an appeal by pro se appellant Melvin Raynard Jones from the decision of the Bankruptcy Court denying on *res judicata* grounds Jones' motion to reopen his Chapter 7 bankruptcy case in order to initiate an adversary proceeding relating to a child support obligation in the amount of \$36,747.96. The Bankruptcy Court denied Jones' motion to reopen his case on a previous occasion, and this court affirmed, concluding that it would have been futile to reopen Jones' case because of an intervening determination and judgment by a state court having concurrent jurisdiction that Jones' debt is a non-dischargeable child support obligation. Jones v. N.C. Dep't of Child Support Enforcement, No. 7:07cv564, 2008 U.S. Dist. LEXIS 14274 (W.D.Va. Feb. 26, 2008), *aff'd*, No. 08-1354, U.S. App. LEXIS 11850 (4th Cir. June 4, 2008). Apparently, Jones mistakenly believes that because the earlier proceeding in state court was not prosecuted by Theresa Michelle Dye, in her own name but rather by the North Carolina Department Child Support Enforcement in her behalf, he is entitled to relitigate the matter. Whatever Jones' theory of his appeal might be, the bankruptcy court found in earlier proceedings that underlying debt is a non-dischargeable child support obligation. Jones is not entitled to relitigate the matter by filing yet another motion to reopen and launching another appeal.

Accordingly, the Court affirms for the reasons stated by the Bankruptcy Court. In re: Melvin Raynard Jones et al., No. 05-72706-7 (Bankr. W.D. Va. Nov. 19, 2008). The Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.¹

ENTER: This February 25, 2009.



UNITED STATES DISTRICT JUDGE

¹ Jones has moved for the Court to rule in his favor because appellee did not file a brief but rather has elected to stand on the record of this and the last appeal. The Court denies Jones' motion.